

REMARKS/ARGUMENTS

Claims 1-12 are pending in this application. By this Amendment, Applicant AMENDS claims 1-3 and 5-12 and CANCELS claims 13.

On page 2 of the outstanding Office Action, the Examiner acknowledged the Information Disclosure Statement filed on August 17, 2006 but alleged that this Information Disclosure Statement fails to comply with 37 CFR 1.98(a)(3) because a concise explanation of the relevance of EP 1 136 977 was not provided.

Applicant respectfully disagrees.

The concise explanation of EP 1 136 977 is provided by the International Search Report filed with the Information Disclosure Statement on August 17, 2006. The second paragraph of MPEP § 609.04(a)(III) states:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

Accordingly, Applicant respectfully requests that in the next Office Action that the Examiner provide an initialed and signed Form PTO/SB/08a from the Information Disclosure Statement filed on August 17, 2006 indicating that the Examiner considered EP 1 136 977.

On page 2 of the outstanding Office Action, the Examiner rejected claim 12 under 35 U.S.C. § 101 for being directed to a "computer program." Applicant has amended claim 12 to be directed to a computer-readable storage medium and has canceled claim 13 that recited this feature. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 12 under 35 U.S.C. § 101.

On page 3 of the outstanding Office Action, the Examiner rejected claims 1, 5, 8, and 11 under 35 U.S.C. § 102(b) as being anticipated by Uwe et al. (JP 2001-215945). On page 5 of the outstanding Office Action, the Examiner rejected claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by Todoroki et al. (JP 04-198983). On page 6 of the outstanding Office Action, the Examiner rejected claims 2, 4, and 7 under 35 U.S.C. § 103(a) as being unpatentable over

Uwe et al. in view of Ditzik (U.S. 5,771,039). On page 8 of the outstanding Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Uwe et al. in view of Prince et al. (U.S. 5,440,322). On page 8 of the outstanding Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Uwe et al. in view of Kawashima et al. (U.S. 6,188,380). On page 9 of the outstanding Office Action, the Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Uwe et al. in view of Cole (U.S. 4,581,640). On page 9 of the outstanding Office Action, the Examiner rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Uwe et al. in view of Nakaji et al. (U.S. 2002/0075136).

As noted above, Applicant has canceled claim 13. Applicant respectfully traverses the rejections of claims 1-12.

Applicant's Claim 1 recites:

A display device mounted to a mode of transport comprising:
a first display area that is fixed with respect to the display device; and
a second display area that is fixed with respect to the display device,
that is separate from the first display area, and that is closer to a position of an
operator than is the first display area when the display device is mounted to
the mode of transport;

a first luminance level output section arranged to output a first
luminance level representing luminance of an image display produced in the first
display area;

a second luminance level output section arranged to output a second
luminance level representing luminance of an image display produced in the
second display area; and

a luminance limiting section arranged to limit, according to the first
luminance level and the second luminance level, the luminance of the image
display produced in the first display area to be less than the luminance of the
image display produced in the second display area. (emphasis added)

Applicant's claim 11 and 12 recites features and method steps that are similar to the above emphasized features recited in Applicant's claim 1.

In Section No. 4 on pages 3-5 of the Office Action, the Examiner alleged that Uwe et al. teaches each of the features recited in Applicant's claim 1 and 11. The Examiner alleged that paragraph [0001] of the English machine translation of Uwe et al. teaches the features of a first

display area, a second display area, and limiting the luminance in the first display area to be less than the luminance in the second display area as recited in Applicant's claims 1 and 11.

Applicant has amended Claim 1 to recite the features of "a first display area that is fixed with respect to the display device," "a second display area that is fixed with respect to the display device, that is separate from the first display area, and that is closer to a position of an operator than is the first display area when the display device is mounted to the mode of transport," and "a luminance limiting section arranged to limit, according to the first luminance level and the second luminance level, the luminance of the image display produced in the first display area to be less than the luminance of the image display produced in the second display area." Support for these features is found, for example, in **Figs. 1-8** of Applicant's drawings.

The Examiner alleged that paragraph [0001] of the English machine translation of Uwe et al. teaches the "first display area" and the "second display area" as recited in Applicant's claims 1, 11, and 13. However, this portion of Uwe et al. only refers to ranges of display luminance levels and does not refer to fixed and separated display areas as recited in Applicant's claims 1, 11, and 12. Further, as seen in **Fig. 1** of Uwe et al., Uwe et al. teaches a single display area and fails to teach or suggest a first fixed display area and a second fixed display area that are separated from each other as shown, for example, in **Fig. 3** of Applicant's drawings. Because Uwe et al. fails to teach first and second display areas, Uwe et al. certainly fails to teach or suggest the limiting the luminance in a first display area to be less than the luminance in a second display area as recited in Applicant's claim 1, 11, and 12.

Thus, Uwe et al. fails to teach or suggest the features of "a first display area that is fixed with respect to the display device," "a second display area that is fixed with respect to the display device, that is separate from the first display area, and that is closer to a position of an operator than is the first display area when the display device is mounted to the mode of transport," and "a luminance limiting section arranged to limit, according to the first luminance level and the second luminance level, the luminance of the image display produced in the first display area to be less than the luminance of the image display produced in the second display area" as recited in Applicant's claim 1 and as similarly recited in Applicant's claims 11 and 12.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 11 under 35 U.S.C. § 102(b) as being anticipated by Uwe et al.

In Section No. 12 on pages 9 and 10 of the Office Action, the Examiner alleged that the combination of Uwe et al. and Nakaji et al. teaches each of the features recited in claims 12 and 13. The Examiner alleged that Uwe et al. teaches each of the method steps and features recited in claims 12 and 13 except for the features of a computer program and computer-readable medium as recited in claims 12 and 13, respectfully. The Examiner relied upon Nakaji et al. to allegedly teach this feature.

However, Nakaji et al. fails to cure the above-discussed deficiencies of Uwe et al.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Uwe et al. in view of Nakaji et al.

The Examiner has relied upon Ditzik, Prince et al., Kawashima et al., and Cole to allegedly cure various deficiencies in Uwe et al. However, Ditzik, Prince et al., Kawashima et al., and Cole, applied alone or in combination, fail to cure the above-discussed deficiencies of Uwe et al.

In Section No. 5 on page 5 of the Office Action, the Examiner alleged that the English machine translation of the abstract of Todoroki et al. teaches each of the features recited in claim 1.

The Examiner has taken an extremely broad interpretation of the first display area and the second display area recited in claim 1 so as to be taught by the secondary or small roads and by the main roads of Todoroki et al. However, Todoroki et al. teaches a single display in which the luminance of the secondary or small roads is limited in the direction of a driver but not in the direction of a passenger and in which the luminance of the main roads is not limited and is shown to both the driver and the passenger.

However, the secondary or small roads and the main roads of Todoroki et al. are mixed together and are not separated from each other as recited in Applicant's claim 1. Further, the

secondary or small roads and the main roads of Todoroki et al. are continuously variable and are not fixed as recited in Applicant's claim 1.

Thus, Todoroki et al. fails to teach or suggest the features of "a first display area that is fixed with respect to the display device" and "a second display area that is fixed with respect to the display device, that is separate from the first display area, and that is closer to a position of an operator than is the first display area when the display device is mounted to the mode of transport" as recited in Applicant's claim 1 and as similarly recited in Applicant's claims 11 and 12.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Todoroki et al.

Accordingly, Applicant respectfully submits that the prior art of record, applied alone or in combination, fails to teach or suggest the unique combination and arrangement of elements recited in claims 1, 11, and 12 of the present application. Claims 2-10 depend upon claim 1 and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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